

RESOLUTION NO. 16-7656

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DOWNEY AUTHORIZING REBUTTAL ARGUMENTS FOR THE MEASURE LEVYING A TRANSACTIONS AND USE TAX

WHEREAS, City of Downey City Charter Section 1302 provides that all municipal elections shall be governed by state law except as otherwise provided in the City Charter or ordinance enacted by the City Council and not inconsistent with the City Charter; and

WHEREAS, on June 28, 2016, the City Council adopted a Resolution calling for the holding of a General Municipal Election for the purposes of submitting to the voters the question relating to the levy of one-half of one percent transactions and use tax to be held on the same date and at the same time as the Statewide General Election to be held on November 8, 2016 and a Resolution requesting the election be consolidated with Los Angeles County; and

WHEREAS, the General Municipal Election was called for the election of three (3) Council Member seats and to present to voters a measure to levy a transactions and use tax of one-half of one percent with an Independent Citizens' Oversight Committee to review expenditure of revenues and make appropriate recommendations therefor and the ordinance shall expire twenty (20) years from the operative date of the Measure (the "Measure"); and

WHEREAS, Article 4 of Chapter 3 of Division 9 of the California Elections Code (commencing with Section 9280) authorizing the City Council by majority vote to adopt requirements regarding the filing of rebuttal arguments for a city measure submitted at a municipal election.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DOWNEY DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. REBUTTAL ARGUMENTS FOR THE MEASURE

Pursuant to California Elections Code Section 9285, when the City Clerk has received and selected the arguments for and against the Measure which will be printed and distributed to the voters, the City Clerk shall send a copy of an argument in favor of the Measure to the authors of any argument against the Measure, and a copy of an argument against the Measure to the authors of any argument in favor of the Measure, immediately upon receiving the arguments.

The author or a majority of the authors of an argument relating to the Measure may prepare and submit a rebuttal argument or may authorize in writing any other person or persons to prepare, submit, or sign the rebuttal argument. The rebuttal argument shall not exceed 250 words and shall not be signed by more than five (5) persons that shall appear therewith.

The rebuttal argument shall be filed with the City Clerk, signed, with the printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers, not more than ten (10) days after the final date for filing direct arguments. The rebuttal arguments shall be accompanied by the Los Angeles County Registrar-Recorder/County Clerk Declaration by Author(s) of Arguments or Rebuttals form.

Rebuttal Arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument which it seeks to rebut.

SECTION 2. ADOPTION OF CALIFORNIA ELECTIONS CODE SECTION 9285

Pursuant to California Elections Code Section 9285, subdivision (b), the City Council hereby adopts the provisions of California Elections Code Section 9285, subdivision (a), relating to rebuttal arguments for the Measure only for the November 8, 2016 election and thereafter repeals this Section.

SECTION 3. SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of this Resolution or its application to any person or circumstance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Resolution or its application to other persons and circumstances. The City Council of the City of Downey hereby declares that it would have adopted this Resolution and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional and, to that end, the provisions hereof are hereby declared to be severable.

SECTION 4. EFFECTIVE DATE

This Resolution shall take effect immediately upon its adoption.

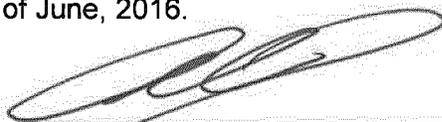
SECTION 5. REPEAL OF PREVIOUS RESOLUTIONS.

All previous resolutions providing for the filing of rebuttal arguments for city measures are hereby repealed.

SECTION 6. CERTIFICATION

The City Clerk shall certify to the passage and adoption of this Resolution.

APPROVED AND ADOPTED this 28th day of June, 2016.



ALEX SAAB, Mayor

ATTEST:



ADRIA M. JIMENEZ, MMC
City Clerk

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I HEREBY CERTIFY that the foregoing Resolution was adopted by the City Council of the City of Downey at a regular meeting held on the 28th day of June, 2016 by the following vote, to wit:

AYES: Council Members: Ashton, Brossmer, Marquez, Vasquez
NOES: Council Member: Mayor Saab
ABSENT: Council Member: None.
ABSTAIN: Council Member: None.



ADRIA M. JIMENEZ, MMC
City Clerk